IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Crl.MC.No. 3493 of 2007()

CRIME NO. 786/06 OF ANGAMALY POLICE STATION
CMP.2334/2007 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA

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PETITIONER:

NAJEERSHA, S/O KOYA,
NADAKKAPARAMBIL HOUSE, MAMBRA,
PARAKKADAVU.

BY ADV. SRI.C.D.JOHNY
SRI.MEREENA JOSEPH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
STATION HOUSE OFFICER, ANGAMALY POLICE STATION,
ANGAMALY, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 3493 of 2007

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Dated this the 23rd day of November, 2007

O R D E R

The petitioner is the third accused in a crime registered under Section 420 I.P.C. The passport of the petitioner was seized as a document in the case and has been produced before the learned Magistrate. The petitioner has been enlarged on bail subject to conditions. The petitioner approached the learned Magistrate with a request that the passport may be released to him. The learned Magistrate, by the impugned order, copy of which is Annex.A1, granted the prayer and directed release of the passport subject to conditions. Inter alia, there is a condition that the petitioner must deposit an amount of Rs.1,50,000/- in court. Though the petitioner has other grievances also, the short request made before me after discussions at the Bar is that the said condition of deposit of Rs.1,50,000/- may be deleted.

2. The learned counsel for the petitioner submits that in respect of a co-accused, by Annex.A2 order, this Court had

modified such condition and dispensed with the requirement of depositing such a huge amount. Identical directions may be issued in favour of the petitioner also, it is prayed.

3. Notice was given to the learned Prosecutor. The learned Prosecutor only submits that appropriate orders may be passed, but it may be ensured that the petitioner shall be available for trial.

4. Having considered all the relevant circumstances, I am satisfied that identical directions, as were issued in Annex.A2, can be issued in favour of the petitioner also.

5. This petition is accordingly allowed. The condition that the petitioner must deposit an amount of Rs.1,50,000/- in court is set aside. But it is directed that the petitioner must, in the bond to be executed by him, undertake to appear before the learned Magistrate in all pending cases against him within 30 days of the date on which a direction to that effect is issued by the court concerned to his counsel or any other person to be specified by him. He shall also deposit a

further amount of Rs.10,000/- as security for the release of the passport to him.

(R. BASANT)
Judge

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